

House Study Bill 252

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S
BUDGET BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to and making appropriations involving state
2 government, including provisions affecting agriculture and
3 natural resources.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1114XG 82
6 da/es/88

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1 1 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
1 2 GENERAL APPROPRIATIONS
1 3 Section 1. GENERAL FUND == DEPARTMENT. There is
1 4 appropriated from the general fund of the state to the
1 5 department of agriculture and land stewardship for the fiscal
1 6 year beginning July 1, 2007, and ending June 30, 2008, the
1 7 following amount, or so much thereof as is necessary, to be
1 8 used for the purposes designated:
1 9 For purposes of supporting the department, including its
1 10 divisions, for administration, regulation, and programs, for
1 11 salaries, support, maintenance, and miscellaneous purposes:
1 12 \$ 18,843,498
1 13 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
1 14 DESIGNATED APPROPRIATIONS == ANIMAL HUSBANDRY
1 15 Sec. 2. GENERAL FUND == CHRONIC WASTING DISEASE CONTROL
1 16 PROGRAM. There is appropriated from the general fund of the
1 17 state to the department of agriculture and land stewardship
1 18 for the fiscal year beginning July 1, 2007, and ending June
1 19 30, 2008, the following amount, or so much thereof as is
1 20 necessary, to be used for the purposes designated:
1 21 For purposes of administering a chronic wasting disease
1 22 control program for the control of chronic wasting disease
1 23 which threatens farm deer as provided in chapter 170,
1 24 including for salaries, support, maintenance, and
1 25 miscellaneous purposes:
1 26 \$ 100,000
1 27 The program may include procedures for the inspection and
1 28 testing of farm deer, responses to reported cases of chronic
1 29 wasting disease, and methods to ensure that owners of farm
1 30 deer may engage in the movement and sale of farm deer.
1 31 Sec. 3. HORSE AND DOG RACING. There is appropriated from
1 32 the moneys available under section 99D.13 to the department of
1 33 agriculture and land stewardship for the fiscal year beginning
1 34 July 1, 2007, and ending June 30, 2008, the following amount,
1 35 or so much thereof as is necessary, to be used for the
2 1 purposes designated:
2 2 For purposes of supporting the department's administration
2 3 and enforcement of horse and dog racing law pursuant to
2 4 section 99D.22, including for salaries, support, maintenance,
2 5 and miscellaneous purposes:
2 6 \$ 305,516
2 7 Sec. 4. GENERAL FUND == DAIRY PRODUCTS CONTROL. There is
2 8 appropriated from the general fund of the state to the
2 9 department of agriculture and land stewardship for the fiscal
2 10 year beginning July 1, 2007, and ending June 30, 2008, the
2 11 following amount, or so much thereof as is necessary, to be
2 12 used for the purposes designated:
2 13 For purposes of supporting the operations of the dairy
2 14 products control bureau, including for salaries, support,
2 15 maintenance, and miscellaneous purposes:
2 16 \$ 693,166
2 17 Sec. 5. GENERAL FUND == AVIAN INFLUENZA CONTROL. There is
2 18 appropriated from the general fund of the state to the

2 19 department of agriculture and land stewardship for the fiscal
2 20 year beginning July 1, 2007, and ending June 30, 2008, the
2 21 following amount, or so much thereof as is necessary, to be
2 22 used for the purpose designated:
2 23 For purposes of controlling avian influenza by conducting
2 24 testing and monitoring:
2 25 \$ 50,000
2 26 Notwithstanding section 8.33, moneys appropriated in this
2 27 section that remain unencumbered or unobligated at the close
2 28 of the fiscal year shall not revert but shall remain available
2 29 to be used for the continued testing and monitoring of avian
2 30 influenza.
2 31 Sec. 6. GENERAL FUND == APIARY LAW. There is appropriated
2 32 from the general fund of the state to the department of
2 33 agriculture and land stewardship for the fiscal year beginning
2 34 July 1, 2007, and ending June 30, 2008, the following amount,
2 35 or so much thereof as is necessary, to be used for the
3 1 purposes designated:
3 2 For purposes of administering and enforcing apiary law as
3 3 provided in chapter 160, including for salaries, support,
3 4 maintenance, and miscellaneous purposes:
3 5 \$ 40,000
3 6 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
3 7 DESIGNATED APPROPRIATIONS == MISCELLANEOUS
3 8 Sec. 7. GENERAL FUND == SOIL AND WATER CONSERVATION
3 9 DISTRICTS. There is appropriated from the general fund of the
3 10 state to the department of agriculture and land stewardship
3 11 for the fiscal year beginning July 1, 2007, and ending June
3 12 30, 2008, the following amount, or so much thereof as is
3 13 necessary, to be used for the purposes designated:
3 14 For purposes of reimbursing commissioners of soil and water
3 15 conservation districts for administrative expenses including
3 16 but not limited to travel expenses, technical training, and
3 17 professional dues:
3 18 \$ 250,000
3 19 A soil and water conservation district receiving moneys
3 20 from an allocation provided pursuant to this section shall
3 21 submit a report to the soil conservation division of the
3 22 department of agriculture and land stewardship by July 1,
3 23 2008, accounting for moneys which have been expended or
3 24 unexpended or which have been obligated or encumbered. The
3 25 report shall state how the moneys were used.
3 26 Sec. 8. GENERAL FUND == SENIOR FARMERS MARKET NUTRITION
3 27 PROGRAM. There is appropriated from the general fund of the
3 28 state to the department of agriculture and land stewardship
3 29 for the fiscal year beginning July 1, 2007, and ending June
3 30 30, 2008, the following amount, or so much thereof as is
3 31 necessary, to be used for the purposes designated:
3 32 For purposes of administering a senior farmers market
3 33 nutrition program, including for salaries, support,
3 34 maintenance, and miscellaneous purposes:
3 35 \$ 77,000
4 1 Sec. 9. GENERAL FUND == STATE INTERAGENCY MISSOURI RIVER
4 2 AUTHORITY. There is appropriated from the general fund of the
4 3 state to the department of agriculture and land stewardship
4 4 for the fiscal year beginning July 1, 2007, and ending June
4 5 30, 2008, the following amount, or so much thereof as is
4 6 necessary, to be used for the purpose designated:
4 7 For purposes of supporting the department's membership in
4 8 the state interagency Missouri river authority, created in
4 9 section 28L.1, in the Missouri river basin association:
4 10 \$ 9,535
4 11 DEPARTMENT OF NATURAL RESOURCES
4 12 GENERAL APPROPRIATIONS
4 13 Sec. 10. GENERAL FUND == DEPARTMENT.
4 14 1. There is appropriated from the general fund of the
4 15 state to the department of natural resources for the fiscal
4 16 year beginning July 1, 2007, and ending June 30, 2008, the
4 17 following amount, or so much thereof as is necessary, to be
4 18 used for the purposes designated:
4 19 For purposes of supporting the department, including its
4 20 divisions, for administration, regulation, and programs, for
4 21 salaries, support, maintenance, and miscellaneous purposes:
4 22 \$ 19,012,968
4 23 2. Of the amount appropriated in subsection 1, \$75,000
4 24 shall be allocated to carry out agreements negotiated by the
4 25 Iowa emergency response commission and the department of
4 26 natural resources relating to emergency and hazardous
4 27 chemicals as provided in section 30.7.
4 28 Sec. 11. STATE FISH AND GAME PROTECTION FUND == DIVISION
4 29 OF FISH AND WILDLIFE.

4 30 1. a. There is appropriated from the state fish and game
4 31 protection fund to the department of natural resources for the
4 32 fiscal year beginning July 1, 2007, and ending June 30, 2008,
4 33 the following amount, or so much thereof as is necessary, to
4 34 be used for the purposes designated:
4 35 For purposes of supporting the division of fish and
5 1 wildlife, including for administration, regulation, and
5 2 programs, and for salaries, support, maintenance, equipment,
5 3 and miscellaneous purposes:
5 4 \$ 36,371,314
5 5 b. Notwithstanding section 455A.10, the department may use
5 6 the unappropriated balance remaining in the state fish and
5 7 game protection fund to provide for the funding of health and
5 8 life insurance premium payments from unused sick leave
5 9 balances of conservation peace officers employed in a
5 10 protection occupation who retire, pursuant to section 97B.49B.
5 11 2. The department shall not expend more moneys from the
5 12 state fish and game protection fund than provided in this
5 13 section, unless the expenditure derives from contributions
5 14 made by a private entity, or a grant or moneys received from
5 15 the federal government, and is approved by the natural
5 16 resource commission. The department of natural resources
5 17 shall promptly notify the legislative services agency and the
5 18 chairpersons and ranking members of the joint appropriations
5 19 subcommittee on agriculture and natural resources concerning
5 20 the commission's approval.
5 21 Sec. 12. GROUNDWATER PROTECTION FUND == WATER QUALITY.
5 22 There is appropriated from the groundwater protection fund
5 23 created in section 455E.11 to the department of natural
5 24 resources for the fiscal year beginning July 1, 2007, and
5 25 ending June 30, 2008, from those moneys which are not
5 26 allocated pursuant to that section, the following amount, or
5 27 so much thereof as is necessary, to be used for the purposes
5 28 designated:
5 29 For purposes of supporting the department's protection of
5 30 the state's groundwater, including for administration,
5 31 regulation, and programs, and for salaries, support,
5 32 maintenance, equipment, and miscellaneous purposes:
5 33 \$ 3,455,832
5 34 DEPARTMENT OF NATURAL RESOURCES
5 35 RELATED TRANSFERS
6 1 Sec. 13. SPECIAL SNOWMOBILE FUND == SNOWMOBILE PROGRAM.
6 2 There is transferred on July 1, 2007, from the fees required
6 3 to be deposited in the special snowmobile fund under section
6 4 321G.7 to the state fish and game protection fund and
6 5 appropriated to the department of natural resources for the
6 6 fiscal year beginning July 1, 2007, and ending June 30, 2008,
6 7 the following amount, or so much thereof as is necessary, to
6 8 be used for the purpose designated:
6 9 For purposes of administering and enforcing the state
6 10 snowmobile program:
6 11 \$ 100,000
6 12 DEPARTMENT OF NATURAL RESOURCES
6 13 DESIGNATED APPROPRIATIONS
6 14 Sec. 14. UNASSIGNED REVENUE FUND == UNDERGROUND STORAGE
6 15 TANK SECTION EXPENSES. There is appropriated from the
6 16 unassigned revenue fund administered by the Iowa comprehensive
6 17 underground storage tank fund board, to the department of
6 18 natural resources for the fiscal year beginning July 1, 2007,
6 19 and ending June 30, 2008, the following amount, or so much
6 20 thereof as is necessary, to be used for the purpose
6 21 designated:
6 22 For purposes of paying for administration expenses of the
6 23 department's underground storage tank section:
6 24 \$ 200,000
6 25 Sec. 15. MARINE FUEL TAX FUND. There is appropriated from
6 26 the marine fuel tax fund created in section 452A.79A, as
6 27 enacted by 2006 Iowa Acts, chapter 1179, section 60, to the
6 28 department of natural resources for the fiscal year beginning
6 29 July 1, 2007, and ending June 30, 2008, the following amount,
6 30 or so much thereof as is necessary, to be used for the
6 31 purposes designated:
6 32 For purposes of funding capital projects in its
6 33 recreational boating program as specified in section 452A.79,
6 34 and to support local cost-share grants to be used for capital
6 35 expenditures by local government units for boating
7 1 accessibility:
7 2 \$ 2,300,000
7 3 Notwithstanding section 8.33, moneys appropriated in this
7 4 section that remain unencumbered or unobligated on June 30,
7 5 2008, shall not revert but shall remain available for the

7 6 purposes designated until June 30, 2009, or until the project
7 7 for which the appropriation was made is completed, whichever
7 8 is earlier.

7 9 IOWA STATE
7 10 UNIVERSITY DESIGNATED APPROPRIATIONS

7 11 Sec. 16. AGRICULTURAL REMEDIATION FUND == OPEN FEEDLOT
7 12 WATER QUALITY RESEARCH PROJECT. There is appropriated from
7 13 the agricultural remediation fund created in section 161.7 to
7 14 the Iowa state university of science and technology for the
7 15 fiscal year beginning July 1, 2007, and ending June 30, 2008,
7 16 the following amount, or so much thereof as is necessary, to
7 17 be used for the purposes designated:

7 18 For purposes of supporting a water quality research project
7 19 which studies the effectiveness of alternative technologies
7 20 used to reduce risks to water quality from effluent
7 21 originating from open feedlots which house beef cattle:

7 22 \$ 50,000

7 23 In conducting the project, Iowa state university shall
7 24 cooperate with the Iowa cattlemen's association, the
7 25 department of natural resources, the department of agriculture
7 26 and land stewardship, and the United States department of
7 27 agriculture natural resource conservation service.

7 28 Sec. 17. VETERINARY DIAGNOSTIC LABORATORY.

7 29 There is appropriated from the general fund of the state to
7 30 Iowa state university of science and technology for the fiscal
7 31 year beginning July 1, 2007, and ending June 30, 2008, the
7 32 following amount, or so much thereof as is necessary, to be
7 33 used for the purposes designated:

7 34 For purposes of supporting the college of veterinary
7 35 medicine for the operation of the veterinary diagnostic
8 1 laboratory:

8 2 \$ 1,000,000

8 3 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
8 4 PERMIT FUND

8 5 Sec. 18. DEPARTMENT OF NATURAL RESOURCES. There is
8 6 appropriated from the national pollutant discharge elimination
8 7 system permit fund created in section 455B.196 to the
8 8 department of natural resources for the fiscal year beginning
8 9 July 1, 2007, and ending June 30, 2008, the following amount,
8 10 or so much thereof as is necessary, to be used for the
8 11 purposes designated:

8 12 For purposes of expediting the department's processing of
8 13 national pollutant discharge elimination system applications
8 14 and the issuance of permits, including salaries, support,
8 15 maintenance, and miscellaneous purposes:

8 16 \$ 600,000

8 17 Sec. 19. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is
8 18 appropriated from the national pollutant discharge elimination
8 19 system permit fund created in section 455B.196 to the
8 20 department of economic development for the fiscal year
8 21 beginning July 1, 2007, and ending June 30, 2008, the
8 22 following amount, or so much thereof as is necessary, to be
8 23 used for the purposes designated:

8 24 For purposes of expediting the department of natural
8 25 resources processing of national pollutant discharge
8 26 elimination system applications and the issuance of permits,
8 27 including salaries, support, maintenance, and miscellaneous
8 28 purposes:

8 29 \$ 100,000

8 30 1. The department of economic development shall provide
8 31 one full-time equivalent position to support an environmental
8 32 advocate to provide technical assistance to persons engaged in
8 33 livestock operations who may require a national pollutant
8 34 discharge elimination system permit as provided in section
8 35 455B.197.

9 1 2. The department of economic development shall provide
9 2 one full-time equivalent position to support an environmental
9 3 advocate to provide technical assistance to persons who are
9 4 not engaged in livestock operations who may require a national
9 5 pollutant discharge elimination system permit as provided in
9 6 section 455B.197.

9 7 MISCELLANEOUS

9 8 Sec. 20. FLOODPLAIN PERMIT BACKLOG. Notwithstanding any
9 9 contrary provision of state law, for the fiscal year beginning
9 10 July 1, 2007, and ending June 30, 2008, the department of
9 11 natural resources may use additional funds available to the
9 12 department from stormwater discharge permit fees for
9 13 additional staffing to reduce the department's floodplain
9 14 permit backlog.

9 15 Sec. 21. IMPLEMENTATION OF THE FEDERAL TOTAL MAXIMUM DAILY
9 16 LOAD PROGRAM. Notwithstanding any contrary provision of state

9 17 law, for the fiscal year beginning July 1, 2007, and ending
9 18 June 30, 2008, the department of natural resources may use
9 19 additional funds available to the department from stormwater
9 20 discharge permit fees for additional staffing for
9 21 implementation of the federal total maximum daily load
9 22 program.

9 23 STATUTORY LANGUAGE

9 24 Sec. 22. Section 30.5, subsection 2, Code 2007, is amended
9 25 to read as follows:

9 26 2. The commission may enter into agreements pursuant to
9 27 chapter 28E to accomplish any duty imposed upon the commission
9 28 by the Emergency Planning and Community Right-to-know Act, but
9 29 the commission shall not compensate any governmental unit for
9 30 the performance of duties pursuant to such an agreement.
9 31 Funding for administering the duties of the commission under
9 32 sections 30.7, 30.8, and 30.9 shall be included in the budgets
9 33 of the ~~department of workforce development~~, the department of
9 34 natural resources, and the department of public defense,
9 35 respectively.

10 1 Sec. 23. Section 30.7, Code 2007, is amended to read as
10 2 follows:

10 3 30.7 DUTIES TO BE ALLOCATED TO DEPARTMENT OF ~~WORKFORCE~~
~~10 4 DEVELOPMENT~~ NATURAL RESOURCES == EMERGENCY AND HAZARDOUS
10 5 CHEMICALS.

10 6 Agreements negotiated by the commission and the department
10 7 of ~~workforce development~~ natural resources shall provide for
10 8 the allocation of duties to the department of ~~workforce~~
~~10 9 development~~ natural resources as follows:

10 10 1. Material safety data sheets or a list for chemicals
10 11 required to be submitted to the commission under section 311
10 12 of the Emergency Planning and Community Right-to-know Act, 42
10 13 U.S.C. } 11021, shall be submitted to the department of
10 14 ~~workforce development~~ natural resources. Submission to that
10 15 department constitutes compliance with the requirement for
10 16 notification to the commission.

10 17 2. Emergency and hazardous chemical inventory forms
10 18 required to be submitted to the commission under section 312
10 19 of the Emergency Planning and Community Right-to-know Act, 42
10 20 U.S.C. } 11022, shall be submitted to the department of
10 21 ~~workforce development~~ natural resources. Submission to that
10 22 department constitutes compliance with the requirement for
10 23 notification to the commission.

10 24 3. The department of ~~workforce development~~ natural
~~10 25 resources~~ shall advise the commission of the failure of any
10 26 facility owner or operator to submit information as required
10 27 under sections 311 and 312 of the Emergency Planning and
10 28 Community Right-to-know Act, 42 U.S.C. } 11021 and 11022.

10 29 4. The department of ~~workforce development~~ natural
~~10 30 resources~~ shall make available to the public upon request
10 31 during normal working hours the information forms in its
10 32 possession pursuant to sections 312 and 324 of the Emergency
10 33 Planning and Community Right-to-know Act, 42 U.S.C. } 11022
10 34 and 11044.

10 35 5. The department of ~~workforce development~~ natural
~~11 1 resources~~ shall compile data or information from the emergency
11 2 and hazardous chemical inventory forms required to be
11 3 submitted to the commission under section 312 of the Emergency
11 4 Planning and Community Right-to-know Act, 42 U.S.C. } 11022.

11 5 Sec. 24. Section 84A.5, subsection 3, Code 2007, is
11 6 amended to read as follows:

11 7 3. The division of labor services is responsible for the
11 8 administration of the laws of this state under chapters 88,
11 9 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 92, and
11 10 94A, and ~~sections 30.7 and section~~ 85.68. The executive head
11 11 of the division is the labor commissioner, appointed pursuant
11 12 to section 91.2.

11 13 Sec. 25. Section 91.4, subsection 5, Code 2007, is amended
11 14 to read as follows:

11 15 5. The director of the department of workforce
11 16 development, in consultation with the labor commissioner,
11 17 shall, at the time provided by law, make an annual report to
11 18 the governor setting forth in appropriate form the business
11 19 and expense of the division of labor services for the
11 20 preceding year, the number of disputes or violations processed
11 21 by the division and the disposition of the disputes or
11 22 violations, and other matters pertaining to the division which
11 23 are of public interest, together with recommendations for
11 24 change or amendment of the laws in this chapter and chapters
11 25 88, 88A, 88B, 89, 89A, 89B, 90A, 91A, 91C, 91D, 91E, 92, and
11 26 94A, and ~~sections 30.7 and section~~ 85.68, and the
11 27 recommendations, if any, shall be transmitted by the governor

11 28 to the first general assembly in session after the report is
11 29 filed.

11 30 EXPLANATION

11 31 GENERAL. This bill relates to agriculture and natural
11 32 resources by making appropriations for the 2007=2008 fiscal
11 33 year to support related entities, including the department of
11 34 agriculture and land stewardship, the department of natural
11 35 resources, the department of economic development, and Iowa
12 1 state university.

12 2 The bill appropriates moneys to the department of
12 3 agriculture and land stewardship and the department of natural
12 4 resources. The appropriations are made to support those
12 5 departments for administration, regulation, and programs. The
12 6 bill also provides moneys to support specific programs or
12 7 projects administered by those departments. The bill
12 8 appropriates moneys from a number of sources, including the
12 9 general fund of the state, the state fish and game protection
12 10 fund, the groundwater protection fund, the marine fuel tax
12 11 fund, and the national pollutant discharge elimination system
12 12 permit fund.

12 13 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. For the
12 14 department of agriculture and land stewardship, moneys are
12 15 appropriated in order to support its divisions.

12 16 The bill appropriates moneys from the general fund to
12 17 support animal husbandry including for the administration of
12 18 the chronic wasting disease program, horse and dog racing,
12 19 dairy products control, avian influenza control, and apiary
12 20 regulation. The bill also appropriates moneys to reimburse
12 21 commissioners of soil and water conservation districts for
12 22 expenses, a senior farmers market nutrition program, and to
12 23 support the department's membership in a river association.

12 24 DEPARTMENT OF NATURAL RESOURCES. For the department of
12 25 natural resources, moneys are appropriated from the general
12 26 fund in order to support its divisions.

12 27 The bill makes appropriations from other funds. The bill
12 28 appropriates moneys to the department of natural resources
12 29 from the state fish and game protection fund for support
12 30 programs related to fish and wildlife. The bill appropriates
12 31 moneys from the groundwater protection fund to support
12 32 groundwater quality.

12 33 The bill makes an appropriation from moneys transferred to
12 34 the state fish and game protection fund to support snowmobile
12 35 programs and enforce state navigation and water laws.

13 1 An appropriation is made from the unassigned revenue fund
13 2 administered by the Iowa comprehensive underground storage
13 3 tank fund board to the department of natural resources for
13 4 administration and expenses of the underground storage tank
13 5 section. The bill appropriates moneys from the marine fuel
13 6 tax fund to fund capital projects related to boating.

13 7 The bill provides that the department of natural resources
13 8 may use additional funds for staffing to reduce the
13 9 department's floodplain permit backlog.

13 10 IOWA STATE UNIVERSITY. The bill appropriates moneys to
13 11 Iowa state university to continue a project to perform water
13 12 quality research to determine methods to reduce risks to water
13 13 quality associated with open feedlot runoff and for the
13 14 operation of the veterinary diagnostic laboratory.

13 15 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
13 16 FUND. The bill appropriates moneys from the national
13 17 pollutant discharge elimination system permit fund to the
13 18 department of natural resources for processing permit
13 19 applications and to the department of economic development for
13 20 supporting an environmental advocate to provide technical
13 21 assistance to persons engaged in livestock operations.

13 22 MISCELLANEOUS. The bill provides for the use of moneys
13 23 from stormwater discharge fees for additional staffing to
13 24 reduce the department of natural resources floodplain permit
13 25 backlog, and for implementation of the federal total maximum
13 26 daily load program.

13 27 STATUTORY LANGUAGE. The bill transfers authority duties
13 28 associated with the federal Emergency Planning and Community
13 29 Right-to-know Act, relating to emergency and hazardous
13 30 chemicals and recordkeeping, from the department of workforce
13 31 development to the department of natural resources.

13 32 LSB 1114XG 82

13 33 da:mg/es/88.2